

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ORDER

April 24, 2024

GUZMAN, D.J.

Pro se plaintiff Tyron Jerome Hakim Douglas brings this action against the Suffolk County District Attorney's Office and the William A. Hinton State Laboratory Institute ("Hinton Lab"), claiming that he was wrongfully convicted on five occasions as a result of the well-publicized misconduct at the Hinton Lab by former chemist Annie Dookhan. According to Douglas, four of those convictions have been vacated with prejudice, and he seeks monetary damages for the time he spent serving sentences of imprisonment and probation for these convictions. In addition, Douglas asks that a separate intact state conviction be vacated, alleging that the "Drug Certificate" used against him in that case suffered the same defects and lack of reliability as did those signed by Dookhan. Douglas did not pay the \$405 filing fee or file a motion for leave to proceed *in forma pauperis*.

In an order dated January 5, 2024 (ECF No. 3), Magistrate Judge David H. Hennessy ordered Douglas to pay the filing fee or seek leave to proceed without prepayment of the filing

fee.¹ Judge Hennessy also found that Douglas's pleading did not show that he was entitled to relief because (1) under the Eleventh Amendment, the defendants had immunity from suit in federal court with regard to Douglas's claims; (2) the Court was without jurisdiction to vacate Douglas's intact state conviction; and (3) as Douglas had not made a claim of racial discrimination, 42 U.S.C. § 1981 was factually inapplicable. Judge Hennessy ordered Douglas to resolve the filing fee and file an amended complaint within 28 days, and stated that failure to comply with the order could result in dismissal of the action by a District Judge.

On February 12, 2024, Douglas filed a motion for a six-month extension of time to comply with the January 5, 2024 order. (ECF No. 4). On February 13, 2024, Judge Hennessy granted the motion in part and ordered Douglas to comply with the January 5, 2024 order within 35 days. (ECF No. 5).

The time for complying with the January 5, 2024 order has elapsed, and Douglas has not filed an amended complaint or taken any steps to resolve the filing fee. Accordingly, the Court orders that this action be DISMISSED WITHOUT PREJUDICE for failure to pay the filing fee and for failure to file an amended complaint.

So Ordered.

/s/ Margaret R. Guzman
MARGARET R. GUZMAN
UNITED STATES DISTRICT JUDGE

Dated: April 24, 2024

¹ Pursuant to General Orders (10-1) and (09-3), a case may be randomly assigned, at the time of filing, to a Magistrate Judge. On April 22, 2024, this case was reassigned to a District Judge.